



3635  
#13  
DW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: E. Willis § ART UNIT: 3635  
§  
Application Serial Number: 09/644,169 §  
§  
Filed: August 23, 2000 §  
§  
For: IMPROVED TRAILER FLOOR § EXAMINER: Varner, S.  
P

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT**

Hon. Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22312-1450

Sir:

**Certificate of Mailing Under 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Hon. Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22312-1450

On June 24, 2003. By:

**RECEIVED**

**JUL 03 2003**

**GROUP 3600**

Applicant respectfully requests withdrawal of the holding of abandonment and shows as follows:

- 1) An office action was mailed on November 8, 2002, with a three-month response deadline of February 8, 2003.
- 2) The office action was the second action on the merits in the application.
- 3) In an abundance of caution, Applicant submitted a Request for Continued

Examination, together with the Fee and a second, fully responsive amendment on February 10, 2003 (February 8 was a Saturday).

- 4) In June 2003, Applicant received a Notice of Abandonment stating that the application was abandoned because "The RCE request received 2/19/03 was improper."
- 5) This is improper given Manual of Patent Examining Procedure § 706.07(h), Part III.A.1, which provides:

*If prosecution in the application is not closed, applicant will be notified of the improper RCE and any amendment/reply will be entered. Thereafter, the application will be forwarded to the examiner for consideration of the amendment/reply under 37 CFR 1.111.*

- 6) Apparently, prosecution was not closed because the office action of November 8, 2002 was not final. Under the provision quoted above, the amendment should have been entered and prosecution continued. The only notification Applicant received was the Notice of Abandonment.
- 7) Applicant submits that the Notice of Abandonment thus was improper. The amendment should have been entered and prosecution continued in any case. If the amendment was somehow improper, Applicant was entitled to some notice prior to the Notice of Abandonment.

- 8) In view of the foregoing, Applicant respectfully requests withdrawal of the holding of abandonment, entry of Amendment B, which accompanied the RCE, and allowance of all claims.

Respectfully Submitted,



Mark D. Perdue

Registration Number 36,890

The Zisman Law Firm, PC

1412 Main Street

Twenty Third Floor

Dallas, Texas 75202

214-753-0158